

1 HON. JUDGE BENJAMIN H. SETTLE  
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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON AT TACOMA**

8 RANDOLFF SCOTT RUFFELL  
9 WESTOVER and ANDREA WESTOVER,  
husband and wife, and the marital  
community composed thereof,

10 Plaintiffs,

11 v.

12 PROVIDENT LIFE AND ACCIDENT  
13 INSURANCE COMPANY,

14 Defendant.

15 No. 3:20-cv-05931-BHS

16 [PROPOSED] ORDER DENYING  
17 PROVIDENT'S MOTION TO  
18 DISMISS FOR ERISA PREEMPTION

19 NOTE ON MOTION CALENDAR:  
April 16, 2021

20 This matter comes before the Court on Provident's motion to dismiss regarding its  
21 affirmative defense of ERISA preemption. The Court has considered the motion, the exhibits  
22 thereto, the Westovers' opposition, and Provident's reply. It is hereby ORDERED that  
23 Provident's motion is DENIED.

24 Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

25  
26 THE HONORABLE BENJAMIN H. SETTLE  
United States District Court Judge

27 Presented by:

28 /s McKean J. Evans

29 McKean J. Evans, WSBA #52750

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(No. 3:20-cv-05931-BHS) - 1

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[PROPOSED] ORDER DENYING  
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